

**General Assembly**

Fifty-eighth session

Official Records

Distr.: General
23 January 2004

Original: English

Fifth Committee**Summary record of the 29th meeting**

Held at Headquarters, New York, on Thursday, 18 December 2003, at 3 p.m.

Chairman: Mr. Elkhuisen (Vice-Chairman) (Netherlands)
later: Mr. Kmoníček (Chairman) (Czech Republic)
*Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Mselle

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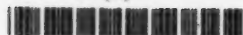
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03-66234 (E)



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In the absence of Mr. Kmoníček (Czech Republic), Mr. Elkhuisen (Netherlands), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 124: Scale of assessments for the apportionment of the expenses of the United Nations (continued) (A/C.5/58/L.44)

Draft resolution A/C.5/58/L.44

1. **Ms. Fogh** (Sweden) introduced draft resolution A/C.5/58/L.44.

2. *Draft resolution A/C.5/58/L.44 was adopted.*

3. **Mr. Kendall** (Argentina) said that his delegation appreciated the outcome of the Committee's discussions which demonstrated Member States' continued understanding of his country's situation. Argentina remained fully committed to the Organization and its arrears in payment were due entirely to its current economic crisis.

4. **Ms. Taylor Roberts** (Jamaica) said that, despite its serious reservations, her delegation had not stood in the way of a consensus on the draft resolution. She commended the Committee for modifying the scale of assessments, as recommended by the Committee on Contributions, and for taking account of the concerns that had been expressed by many delegations, including that of Jamaica.

5. Her delegation was disappointed that the Committee on Contributions had relied on statistical and methodological applications, rather than capacity to pay, in its proposals for increasing the scale. The Committee's report (A/58/11) had indicated no concern at the resulting dramatic escalation in Jamaica's assessment, despite the commitment given by the General Assembly in paragraph 4 of its resolution 55/5 B. The Committee on Contributions should apply the methodologies approved by the Assembly and avoid recommending exorbitant increases between one scale cycle and the next. Such steps were all the more important because of the phasing-out of the scheme of limits, which was an important safeguard against excessive volatility in apportionments under the scale. Consideration should be given to the introduction of another mechanism to address that problem.

6. **Mr. Almutaa** (Libyan Arab Jamahiriya) said that the scale of assessments which had emerged from the discussions in the Committee on Contributions took too little account of Member States' capacity to pay. The Libyan Arab Jamahiriya, whose share had risen by 100 per cent, was one of the developing countries that had felt the effect of the new scale. The increase had come as the Libyan Arab Jamahiriya continued to suffer from a unilaterally imposed economic embargo. His delegation had joined the consensus on the draft resolution in solidarity with the Group of 77 and China, but it believed that when the method used to calculate the scale of assessments was revised in 2006, account must be taken of capacity to pay. His remarks did not apply to the scale of assessments for peacekeeping operations.

7. **Mr. Ramadan** (Lebanon) said that his delegation had joined the consensus on the draft resolution even though it believed that the way in which the Committee on Contributions had calculated the scale of assessments was seriously flawed. The methodology, data and exchange rates used as a basis for Lebanon's assessment had resulted in a proposed increase of 266.67 per cent. He hoped that future consideration of the scale in the Committee on Contributions would reflect the actual economic capacity of Member States.

8. **Mr. Martini** (Italy), speaking on behalf of the European Union, said that the existing methodology should continue to apply until 2006, when it was due to be reviewed.

9. **Ms. Goicochea** (Cuba) said that her delegation shared the concerns that had been expressed by the representatives of Jamaica, the Libyan Arab Jamahiriya and Lebanon. The shortcomings in the current methodology for calculating the scale of assessments must be addressed. Also, the reduction in the ceiling on Member States' assessed contributions had been damaging and the Committee should continue to review the matter in the light of the pattern of payments of the major contributor, as indicated in Assembly resolution 55/5. The Committee should monitor the implementation of that resolution, which appeared to have been ignored in the proposals for the new scale.

Agenda item 133: Scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations (*continued*) (A/58/157/Add.1; A/C.5/58/L.45)

10. **Mr. Gilpin** (Chief of the Contributions Service), introducing the addendum to the report of the Secretary-General on the implementation of General Assembly resolutions 55/235 and 55/236 (A/58/157/Add.1), said that annexes IV and V to the report of the Secretary-General on that matter (A/58/157) had provided illustrative information on the effective rates of assessment for peacekeeping in 2004-2006, based on the scale of assessment for the regular budget recommended by the Committee on Contributions, for two different assumptions regarding the peacekeeping contributions of the Republic of Korea for that period. The annex to that document provided figures that had been updated in the light of the draft resolution on the scale of assessments for the apportionment of the expenses of the United Nations (A/C.5/58/L.44) and the draft resolution on the scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations (A/C.5/58/L.45).

Draft resolution A/C.5/58/L.45

11. **Ms. Fogh** (Sweden) introduced draft resolution A/C.5/58/L.45.

12. *Draft resolution A/C.5/58/L.45 was adopted.*

Agenda item 131: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/C.5/58/L.27 and L.38)

Draft resolutions A/C.5/58/L.27 and L.38

13. *Draft resolutions A/C.5/58/L.27 and L.38 were adopted.*

Agenda item 132: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/C.5/58/L.28 and L.39)

Draft resolutions A/C.5/58/L.28 and L.39

14. *Draft resolutions A/C.5/58/L.28 and L.39 were adopted.*

15. **Mr. Motomura** (Japan) said that Member States must be informed of Security Council discussions on matters such as the two International Tribunals, which had important budgetary implications. His delegation was concerned at the inadequacy of the explanations that had been provided in the case of the two Tribunals, which should further rationalize their budgets and implement their completion strategies. Those two objectives were not incompatible. The completion strategies did not create an automatic need for more budget resources. The Tribunals, moreover, should pursue the transfer of cases to national courts in order to speed up their work and avoid budget increases.

16. If budget increases were proposed in the future without proper explanations, his Government would be placed in a very difficult situation vis-à-vis its taxpayers and would not be in a position to sign a blank cheque. There was no room left to accommodate further increases in its assessments for the two International Tribunals.

17. **Mr. Kmoníček** (Czech Republic), *Chairman*, took the Chair.

Agenda item 120: Programme budget for the biennium 2002-2003 (*continued*)

Agenda item 121: Proposed programme budget for the biennium 2004-2005 (*continued*)

Agenda item 161: Financing of the United Nations Mission in Côte d'Ivoire (*continued*)

Draft resolution A/C.5/58/L.37

18. **Mr. Sach** (Director of the Programme Planning and Budget Division) said that during the informal consultations on the draft resolution, the Secretariat had been asked to clarify its understanding of the implications of draft paragraphs 3 and 4.

19. Under paragraph 3, the United Nations Mission in Côte d'Ivoire (MINUCI) would be financed from the regular budget until its current mandate expired in February 2004. Consequently, an additional amount of \$13,865,700 was required within the final appropriation for the biennium 2002-2003. That amount was in addition to the resources sought in the second performance report on the programme budget for the biennium 2002-2003 and, accordingly, the final regular budget appropriation for the biennium 2002-2003 would amount to \$2,967,727,800. In order to finance the remainder of the mandate of MINUCI in 2004, a net amount of \$2,172,400 would be required and would be treated as a charge against the provision included in section 3 of the proposed programme budget for the biennium 2003-2004 for the financing of special political missions.

20. The existing text of paragraph 4 was neutral, in that the mode of financing for any new mandate for MINUCI would depend on the particulars of the mandate. As the Security Council was expected to extend the mandate of MINUCI in January or early February of 2004, prior to the first part of the resumed fifty-eighth session of the General Assembly, the financing procedures would follow established norms and practice.

21. Should the Security Council decide to establish a new mandate for MINUCI as a peacekeeping mission, its initial financing would be charged to the peacekeeping reserve fund. However, should the Council approve a temporary extension of the current mandate for a limited period, the concurrence of the Advisory Committee on Administrative and Budgetary Questions would be sought to utilize the unassigned balance of resources under section 3 of the proposed programme budget. Should the Council be unclear as to whether MINUCI should be a peacekeeping operation or a special political mission, the Secretary-General could seek the concurrence of the Advisory Committee to enter into the necessary commitments under the Working Capital Fund, using the procedures established for unforeseen and extraordinary expenses.

22. Irrespective of the mode of financing used for an extension of the mandate of MINUCI prior to the first part of the resumed fifty-eighth session of the General Assembly, the matter would subsequently be brought before the Fifth Committee in early 2004 so that the Committee could consider the most appropriate mode

of financing, in accordance with paragraph 4 of the draft resolution.

23. *Draft resolution A/C.5/58/L.37 was adopted.*

24. **Mr. Kelapile** (Botswana), speaking on behalf of the African Group, said that the Group had not wished to break the consensus on the draft resolution and had agreed, exceptionally, that MINUCI could be financed as a special political mission. However, the Group continued to have serious reservations regarding that arrangement and hoped that when the mandate of MINUCI expired, its subsequent mode of financing would be changed.

25. **Mr. Motomura** (Japan) said that, when MINUCI had been established, his delegation had understood it to be a peacekeeping operation. That view had been reinforced by paragraph 53 of the Secretary-General's report (S/2003/801), which stated that the budget for the Mission for the period from 13 May 2003 to 30 June 2004 was under preparation. His delegation had therefore been surprised by the statement in document A/58/535 that the Mission was not a peacekeeping operation and by the subsequent Security Council resolution 1514 (2003), which clearly stated that MINUCI was a special political mission.

26. That sequence of events had not been helpful to his Government's efforts to obtain the necessary funding. If it were to face a similar situation in future, with insufficient explanation of a decision with financial implications, his Government, which paid one-fifth of the United Nations budget, might find itself unable to finance activities arising out of such a decision. Requests for budget appropriations were put to the Japanese Diet, according to due process. A request to sign what amounted to a blank cheque might prove unacceptable for the parliamentary democratic process. Moreover, a thorough explanation would also improve United Nations accountability in administrative and budgetary matters.

Agenda item 120: Programme budget for the biennium 2002-2003 (continued) (A/C.5/58/L.41)

Final budget appropriations for the biennium 2002-2003

Draft resolution A/C.5/58/L.41

27. *Draft resolution A/C.5/58/L.41 was adopted.*

Agenda item 121: Proposed programme budget for the biennium 2004-2005 (continued)

Utilization of the provision for special political missions under section 3, Political affairs (A/C.5/58/33)

28. **Mr. Sach** (Director of the Programme Planning and Budget Division), introducing the note by the Secretary-General on the utilization of the provision for special political missions under section 3, Political affairs (A/C.5/58/33), said that the note outlined the charges that had been approved to date for special political missions during the calendar year 2004, which, after recosting, would amount to US\$ 169,431,700. The cost of items authorized by the General Assembly and the Security Council amounted to \$142,476,900. The amount remaining in the contingency fund within the provision for special political missions was therefore \$26,954,800.

Contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/58/34)

29. **Mr. Sach** (Director of the Programme Planning and Budget Division), introducing the report of the Secretary-General containing the consolidated statement of programme budget implications and revised estimates (A/C.5/58/34), said that items falling within the provisions of the contingency fund for the biennium 2004-2005 in the form of programme budget implications or revised estimates amounted to US\$ 23,020,100, thereby exceeding by \$1,420,100 the level of the contingency fund, which was set at \$21,600,000 under General Assembly resolution 57/280. The Secretary-General was required to make proposals concerning measures to accommodate the total number of recommendations within the limited provision of the contingency fund, in accordance with part B of the annex to General Assembly resolution 42/211. Given that further requirements would arise at the Assembly's resumed fifty-eighth session and at its fifty-ninth session, it was appropriate to ensure that a balance remained in the contingency fund. If accepted, the Secretary-General's suggestions would reduce the total level of charges to the contingency fund to \$15,150,800, leaving a balance of \$6,449,200, which would provide for subsequent charges arising out of resolutions adopted before the end of the biennium, particularly in connection with new arrangements for

the Office of the Special Representative for Children and Armed Conflict.

30. The report summarized the elements on which reductions amounting to \$7,869,300 could be made. In addition to the Advisory Committee's recommendations that were already before the Committee, the report drew attention to possible reductions through absorption of conference-servicing requirements (\$1,515,600); revision of the estimates arising from resolutions and decisions adopted by the Economic and Social Council (\$578,300); discontinuation of regular budget funding for the *Repertory of Practice of United Nations Organs* (\$2,357,600); and reduction in the amount charged against the contingency fund for the construction of conference facilities in Nairobi (\$107,000). The Secretary-General's report was intended to help the Committee find ways of maintaining a balance of resources in the contingency fund.

31. **Mr. Medina** (Morocco), speaking on behalf of the Group of 77 and China, expressed concern that, at the current rate of expenditure, the contingency fund might be exhausted even before the adoption of the proposed programme budget for the biennium 2004-2005. The Committee should, as a matter of urgency, review the level of the fund. He sought an explanation of paragraph 10 of the Secretary-General's report, which seemed to suggest that publication of the *Repertory of Practice of United Nations Organs* should be paid for out of the contingency fund. The Group of 77 and China believed that funding for an activity mandated by a Main Committee of the General Assembly should be met under the regular budget.

32. **Ms. Goicochea** (Cuba) deplored the fact that the Secretary-General's report had been issued after the beginning of the meeting, with the result that delegations had been unable to examine the proposals properly. The proposal in paragraph 8 that the Social Forum should meet concurrently with the Subcommission on the Promotion and Protection of Human Rights, which reflected the opinion of one group of delegations, would mean that members of the Subcommission would be unable to attend the Social Forum. It would be more sensible for the Social Forum to meet just before the Subcommission, which could then act on any decisions made by the Forum. The economies suggested in paragraph 9 also reflected a proposal by a single delegation. With reference to the report of the Special Committee on the Charter, her

delegation believed that publication of the *Repertory* should continue.

33. **Mr. Alarcón** (Costa Rica) endorsed the views expressed by the two previous speakers. He failed to see how a mandate from the Security Council and the Sixth Committee, on which all States were represented, could be disregarded.

34. **Mr. Elji** (Syrian Arab Republic) said that publication of the *Repertory* should continue and should be financed from the proposed programme budget. His delegation also shared the concern expressed regarding the Social Forum.

35. **Mr. Sach** (Director of the Programme Planning and Budget Division) said that the aim of the Secretary-General's report was to assist the Committee in choosing its priorities. If no such choice was made, expenditures would exceed the amount available in the contingency fund. Obviously, some delegations would be disappointed, but that was inevitable where there were more potential charges than available resources. Some costs could be absorbed, but expenditure should still be reviewed carefully. As for the specific question concerning the revised estimates arising from resolutions and decisions adopted by the Economic and Social Council, the need for a choice to be made had already been highlighted in paragraph 30 of document A/C.5/58/10, which had been issued in October 2003. The Secretariat had acted in as unbiased a manner as possible. As for the *Repertory*, the approach adopted had been consistent with the recommendations contained in the proposed programme budget for the biennium 2004-2005.

36. **Mr. Alarcón** (Costa Rica) said that it was inappropriate for the Secretariat to make a "suggestion" that, as in the case of the *Repertory*, was contrary to a mandate from Member States. If the Committee adopted the Secretary-General's suggestion, a precedent might be created whereby any mandate from a Main Committee could be overruled by the Secretary-General.

37. **Ms. Goicochea** (Cuba) supported the view expressed by the representative of Costa Rica. By interrupting the process of dialogue, the proposal concerning Economic and Social Council decision 2003/264 would make it difficult for the Social Forum to function. Her delegation would revert to that and other issues in informal consultations.

38. **Mr. Herrera** (Mexico) endorsed the view that priorities should be determined by Member States.

The meeting rose at 4.25 p.m.